



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,186	09/17/2003	Ron Deveck	2486U.001	8794
7590 05/05/2004				
Michael A. Slavin, Esq. McHale & Slavin, P.A. 2855 PGA Boulevard Palm Beach Gardens, FL 33410		EXAMINER GALL, LLOYD A		
		ART UNIT PAPER NUMBER		
		3676		

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,186

Applicant(s)

DEVECKI, RON

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 9, line 17, "use" should be replaced with --used--. On page 10, line 4, "to" should be replaced with --too--. On page 11, line 6, the second occurrence of "to" should be deleted.

Appropriate correction is required.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "substantially square" plate of claims 2 and 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The written description should provide support for the "insertion end" and "attachment end" in the preamble of claims 1 and 7.

Claims 1, 6, 7 and 10 are objected to because of the following informalities: In the preamble of claims 1 and 7, it is not clear which cable is being referred to by the "cable lock" in claim 1, line 1 and claim 7, line 1. Appropriate correction is required. On page 12, line 9, there is no antecedent basis for "said steel plate". On page 12, lines 10-11, there is no antecedent basis for "said end fitting". On page 13, line 6, there is no

Art Unit: 3676

antecedent basis for "said end member". On page 13, line 15, there is no antecedent basis for "said steel plate". On page 13, lines 16-17, there is no antecedent basis for "said end fitting". On page 13, line 22, there is no antecedent basis for "said swaged fitting". It appears that claim 10 should depend from claim 7 instead of claim 1 (see claim 4 which depends from claim 1).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sager et al in view of Singer et al or Bennett.

It is first noted that throughout the claims, the "for use in combination" phrase in the first line of claims 1 and 7 is regarded as not positively claiming the cable lock or padlock.

Further, the primary reference to Sager teaches the capability of use with a padlock 6 or a cable lock. Sager teaches an accessory locking device including a locking member plate 3 having an aperture 4 and a slot 5, the aperture 4 capable of receiving a padlock 6 or a cable lock, an attachment device including a chain 1 capable of being wrapped around a lockable object (column 1, line 61) and having a first end thereof permanently secured to the plate 3 and a distal end received through the aperture 4 and then traversed into the slot 5, and allowing the padlock to be received in the aperture 4.

Singer et al teaches the use of a cable 64 for locking a portable object, as does Bennett.

It would have been obvious to one of ordinary skill in the art at the time the invention

Art Unit: 3676

was made to substitute a cable for the chain of Sager et al, in view of the teaching of Singer et al or Bennett, since cables and chains are well known to be interchangeable in the lock art.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Sager et al reference as applied to claim 1 above, and further in view of Derman (530) and Otema.

Derman teaches a square plate 1 used to lock a cable. Otema teaches a steel plate 18 to lock a cable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the plate 3 of Sager et al such that it is substantially square shaped and formed of metal, in view of the respective teachings of Derman and Otema, the motivation being to optimize its strength.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Sager et al reference as applied to claim 1 above, and further in view of an additional teaching of Singer et al and Otema. Singer et al also teaches a rectangular plate 80 having an aperture 84 and a slot 86 to lock a cable. Otema teaches a steel plate 18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the plate 3 of Sager et al of a rectangle and of steel, in view of the respective teachings of Singer et al and Otema, the motivation being to optimize its strength.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Sager et al reference as applied to claim 1 above, and further in view of Otema.

Art Unit: 3676

Otema also teaches an L-shaped slot defined by portions 117, 112. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the slot 5 of Sager et al of an L-shape, in view of the teaching of Otema, to allow multiple cable portions to be stored in the slot, if desired.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Sager et al reference as applied to claim 1 above, and further in view of Singer et al and Honeyman.

Singer et al teaches a collar 88 mounted on the cable and locked in the slot 86.

Honeyman teaches that a collar 19, 22 is well known to be crimped (swaged) on a cable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to crimp a collar on the end of the cable of the modified Sager et al reference to be locked in the slot 5, in view of the respective teachings of Singer et al and Honeyman, the motivation being to provide a strong locking engagement in the slot 5. With respect to claim 6, such collar may also function as a handle used in its insertion into the slot 5.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sager et al in view of Singer et al or Bennett, Otema and Honeyman.

All of the references have been discussed above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a cable for the chain of Sager et al, in view of the teaching of singer et al or Bennett, since cables and chains are well known to be interchangeable in the lock art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the plate of

Art Unit: 3676

Sager of steel, in view of the teaching of Otema, the motivation being to optimize its strength. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize multiple swaged collars with the cable of Sager, in view of the teaching 19, 22 of Honeyman (one of which may function as a handle), to provide a strong locking engagement with the slot 5 of Sager et al.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified sager et al reference as applied to claim 7 above, and further in view of Derman (530).

Derman teaches a square plate 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the plate of Sager as a square, in view of the teaching of Derman, since either shape would function just as well.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified sager et al reference as applied to claim 7 above, and further in view of Singer et al.

Singer et al teaches a rectangular plate 80. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the plate of Sager as a rectangle, in view of the teaching of Singer, since either shape would function just as well.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Sager et al reference as applied to claim 7 above, and further in view of Otema.

Art Unit: 3676

It is assumed that claim 10 was intended to depend from claim 7. Otema teaches an L-shaped slot portion 112, 117. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the slot of Sager as an L-shape, in view of the teaching of Otema, to allow the slot to hold multiple cable portions, if desired.

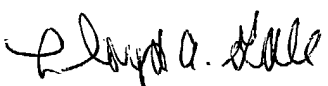
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
May 3, 2004


Lloyd A. Gall
Primary Examiner